

AMENDED IN ASSEMBLY APRIL 28, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1077

Introduced by Assembly Member Carter
(Principal coauthor: Assembly Member John A. Pérez)
(Coauthor: Assembly Member Alejo)

February 18, 2011

An act to add Section 5006.10 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1077, as amended, Carter. State parks: Colonel Allensworth State Historic Park.

Existing law provides for a state park system of which the Colonel Allensworth State Historic Park in Tulare County is a unit.

This bill would prohibit a person from developing any of the area within 2 ½ miles of the boundary of Colonel Allensworth State Historic Park in Tulare County in a manner that would be incompatible with the ~~historie~~ *historical, cultural, or recreational* significance of the park, *as provided*. This prohibition would not apply to a development in Tulare County that was approved by the county on or before March 1, 2011. *The bill would also require the department, in consultation with the State Office of Historic Preservation, to study the feasibility of recommending that the park be considered for designation as a National Historic Landmark.*

The bill would make legislative findings as to the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The state park system was created for the purposes of preserving outstanding natural, scenic, and cultural values, including areas of ~~historie~~ *historical* significance.

(b) The recent centennial of Colonel Allensworth State Historic Park in Tulare County has brought its state and national significance to the forefront.

(c) Given the ~~natural~~ *unique historical* and cultural resources present at and around Colonel Allensworth State Historic Park and the unique environmental and geological conditions of the area, a ~~two-and-one-half-mile-wide~~ *two-and-one-half mile wide* buffer from an incompatible use is appropriate.

SEC. 2. Section 5006.10 is added to the Public Resources Code, to read:

~~5006.10. (a) A person shall not develop any of the area within two-and-one-half miles of the boundary of Colonel Allensworth State Historic Park in Tulare County in a manner that would be incompatible with the historic or recreational significance of the park.~~

~~(b) This section does not apply to a development in Tulare County that was approved by the county on or before March 1, 2011.~~

5006.10. (a) A person shall not develop any of the area within two-and-one-half miles of the boundary of Colonel Allensworth State Historic Park in Tulare County, in a manner that the State Parks and Recreation Commission determines, after a duly noticed public hearing, would be incompatible with the historical, cultural, or recreational significance of the park. A proposed development or use of the park shall be considered to be incompatible if it would conflict with, or diminish, the existing use or enjoyment of the park. In evaluating whether a proposed development or use is compatible, the commission shall take into account the benefits to the park and surrounding community and any compatible economic benefit that could result from the proposed development or use. A determination by the commission regarding the incompatibility of any proposed development or use of the park may be appealed to the Secretary of the Natural Resources Agency.

1 ***(b) The department, in consultation with the State Office of***
2 ***Historic Preservation, shall study the feasibility of recommending***
3 ***that Colonel Allensworth State Historic Park be considered for***
4 ***designation as a National Historic Landmark.***

5 ***(c) This section does not apply to a development in Tulare***
6 ***County that was approved by the county on or before March 11,***
7 ***2011.***

8 SEC. 3. The Legislature finds and declares that a special law
9 is necessary and that a general law cannot be made applicable
10 within the meaning of Section 16 of Article IV of the California
11 Constitution because of the necessity to ensure in perpetuity the
12 unique—recreational—and—historie *historical, cultural, and*
13 *recreational* significance of Colonel Allensworth State Historic
14 Park in Tulare County.